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USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/14/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
JONATHAN PEMBERTON BEY,

Plaintiff,

- against -

VERIZON, INC.,

Defendant.
----- x

Civ. 07 CIV 7856 (LAK)

**STIPULATION TO
REMAND TO
NEW YORK STATE
SUPREME COURT**

WHEREAS, Plaintiff filed a Summons with Notice against Defendant in New York State Court on August 9, 2007, alleging breach of contract, negligence, fraud, willful tort and breach of employment contract and seeking \$1,000,000.00 in damages;

WHEREAS, Defendant removed the action to United States District Court, Southern District of New York on September 6, 2007 pursuant to 28 U.S.C. § 1441(a) and (c) on the basis that the District Court had original jurisdiction over Plaintiff's claims originating from "breach of contract;"

WHEREAS, the parties attended a court-ordered scheduling conference on June 17, 2008;

WHEREAS, Plaintiff served Defendant with a Complaint on June 17, 2008 alleging claims for "negligent hiring" and "negligent supervision," in effect withdrawing plaintiff's claims for breach of contract, fraud, willful tort and breach of employment contract;

WHEREAS, the Court ordered Defendant to show cause in writing no later than July 17, 2008 as to why this action should not be remanded to New York State Supreme Court for lack of subject matter jurisdiction;

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WHEREFORE, the parties stipulate and agree that the above-captioned matter be remanded to New York State Supreme Court on the basis that Plaintiff's complaint provides no basis for federal jurisdiction and the parties will bear their own costs associated with this removal and remand.

IT IS HEREBY STIPULATED and agreed by and between the parties that this action be remanded to New York State Supreme Court. *A FAX IS AN ORIGINAL.*

This stipulation may be signed in counterparts *(m)* *JV*

LAW OFFICE OF JOHN DEMAIO

By: 

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Attorneys for Defendant
Verizon, Inc.

Dated: July 11, 2008
New York, New York

SO ORDERED:


United States District Judge

This *11* day of *July*, 2008.

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John P. De Maio

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